

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC., and
ENBRIDGE ENERGY, L.P.

Defendants.

Case No. 3:19-cv-00602

ENBRIDGE ENERGY, L.P.

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION and
NAOMI TILLISON, in her official capacity

Counter-Defendants.

Judge William M. Conley
Magistrate Judge Stephen
Crocker

**DECLARATION OF LEONARD LEBLANC IN SUPPORT OF ENBRIDGE'S
OPPOSITION TO THE BAND'S REQUESTED PERMANENT INJUNCTION**

I, Leonard ("Len") LeBlanc, declare the following based on personal knowledge to which I am competent to testify:

1. I currently serve as the Director of Pipeline Integrity Assessments at Enbridge. I have held my current position for over 10 years and have been a civil engineer for over 25 years.
2. The Pipeline Integrity Assessment Department's primary function is to run mathematical analyses on data collected from Enbridge's pipeline integrity groups (in-line

inspection data, above-ground measurements, etc.) to create probabilistic assessments of potential threats to pipeline integrity.

3. As part of my job, my Department conducts and has conducted such assessments for the portion of Line 5 that crosses the Bad River and in surrounding areas, such as at the Meander.

4. The Department has reviewed the information gathered from the Meander associated with the snowmelt and associated flooding and other high flow events that have occurred during the April-May 2023 timeframe, including Meander photographs, video, river flow rates, NWS river level probabilities, loss of certain monuments due to erosion/loss of bank (such as the recent measurements from May 8, 2023 that suggest that riverbank is approximately 11 feet away from the pipeline near the “E” series monuments), and other information.

5. Based on that information, under my supervision my Department has re-calculated the likelihood for future potential erosion to expose Line 5. The result of that calculation for 2023 is that there is approximately a .28% probability that the line would be exposed in 2023, even assuming Enbridge would do nothing to prevent future potential erosion.

6. Also based on that information, under my supervision my Department has re-calculated the likelihood for future potential erosion to undermine Line 5 to the point of a critical span (approximately 99 feet). The result of that calculation is approximately a .032% probability that the line would be exposed in 2023, even assuming Enbridge would do nothing to prevent future potential erosion.

7. An important input in this calculation is that erosion at the Meander takes the shape of a parabola or arc. Erosion does not occur along a straight line parallel to the pipe. Accordingly, for a critical, aerial span of 99 feet to occur, the peak of the arc must extend past the pipeline. My

Department calculated that in order for a critical, aerial span of 99 feet to exist, the peak of the arc of the erosion must extend approximately 4 feet (3.98 feet) feet beyond the 30" pipe. This is another reason why a critical aerial span of 99 feet is unlikely to occur in 2023 (.032%). The calculation takes into account that erosion would not only need to recur, but also extend the remaining distance to the pipeline, the nearly 3 feet beneath the pipeline, and then another 4 feet beyond the pipeline, all within calendar year 2023.

8. The low probability of a critical, aerial span occurring in 2023 (0.032%) also takes into account the risk of multiple flooding events occurring. The probability of a critical, aerial span occurring in 2023 from a single storm event is less than 0.032%.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: May 15, 2023

/s/ Leonard LeBlanc
Leonard LeBlanc